

REMARKS

Independent Claim 76

Appellant argued in the Appeal Brief that Grey and Stutz do not teach the recited limitations of, “including a control in the run-time operator interface application in response to user input, wherein the control includes pre-existing first functionality for determining the steps in the test executive sequence” in combination with the other limitations recited in claim 76. As discussed in the Appeal Brief, the Examiner cited Grey’s teaching of determining step types with respect to these limitations. Appellant argued in detail in the Appeal Brief from p. 11 (second paragraph) to p. 13 (third paragraph) that a step as recited in claim 76 is not at all the same as the step types referred to in Grey. Appellant believes that the difference between a step and a step type is clearly explained in the Appeal Brief. In particular, Appellant emphasizes that Grey’s step types are defined independently of any particular test executive sequence or any particular step in a test executive sequence. Determining step types which are defined independently of test executive sequences is clearly not at all the same as determining the steps of a particular test executive sequence.

Appellant also argued in the Appeal Brief that Grey and Stutz do not teach the recited limitations of, “configuring a binding between the GUI element and the control, wherein configuring the binding enables the GUI element to automatically display at least a subset of the steps in the test executive sequence in response to the control determining the steps in the test executive sequence during execution of the run-time operator interface application”. Appellant argued from p. 13 (fourth paragraph) to p. 15 (second paragraph) that the cited portions of Grey do not relate to displaying or determining steps of a test executive sequence during execution of a run-time operator interface application, as recited in the claim. In particular, several of the sections cited by the Examiner refer to Grey’s sequence editor. Thus, the Examiner has equated Grey’s sequence editor with the recited run-time operator interface application. However, claim 76 recites, “including a control in the run-time operator interface application in response to user input.” Grey contains no teaching regarding the development or creation of the sequence editor and

does not teach including a control in the sequence editor in response to user input. Instead, Grey's sequence editor is a pre-developed program which is provided to users as part of Grey's test executive system. Appellant thus submits that the Examiner's equation of Grey's sequence editor with the recited run-time operator interface application is erroneous.

Appellant further re-asserts the arguments on p. 17 (first paragraph) to p. 19 (second paragraph) that one skilled in the art would recognize a patentable distinction between the subject matter recited in claim 76 and the cited art. Although the Examiner states that, "The claims do not recite 'the user of the test executive system creating his own run-time operator interface application,'" Appellant notes that claim 76 does clearly recite, "including a control in the run-time operator interface application in response to user input." Appellant respectfully submits that those skilled in the art would readily recognize (particularly in light of the specification) that including a control in a run-time operator interface application in response to user input clearly pertains to the problem of a user creating or developing a run-time operator interface application. As argued in the Appeal Brief, Grey teaches a test executive system which includes a built-in sequence editor and default run-time operator interfaces. The built-in sequence editor is operable to display the steps in a test sequence, e.g., as shown in FIG. 4. However, Grey does not contain any teaching regarding the user of the test executive system creating his own run-time operator interface application by including in the run-time operator interface application a control with pre-existing functionality to automatically determine and display the steps in the sequence in a GUI element, as recited in claim 76. Furthermore, Stutz does not remedy this deficiency of Grey's teaching.

Appellant notes that additional arguments were presented in the Appeal Brief with respect to both claim 76 and numerous other claims. Appellant respectfully re-asserts these arguments in full.

VIII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of the pending claims was erroneous, and reversal of the Examiner's decision is respectfully requested.

The Commissioner is authorized to charge any fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5150-77400/JCH. This Reply Brief is submitted with a return receipt postcard.

Respectfully submitted,

/Jeffrey C. Hood/

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